

**U.S. Patent Application No. 10/562,696
Response to Office Action of February 17, 2010**

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REMARKS

This Response is in reply to the Office Action mailed on February 17, 2010. Applicant submits that the present response is being timely filed and that no extension of time is needed.

Applicant hereby cancels Claims 1-13 and amends Claims 14, 16-17, 21, and 24-27 as described in the above listing of claims. Applicant submits that the claim amendments are supported by the specification as filed and that no statutory new matter has been added.

Specification

Applicant has corrected the typographical error in the title of the present application as shown in the above amendment to the specification.

Claim Objections

The Examiner has objected to Claims 1, 7, 14, 16, 21, 24, 25, and 27. Applicant has cancelled Claims 1-13, thus rendering Examiner's objections of Claims 1 and 7 moot. Applicant has amended Claims 14, 16, 21, 24, 25, and 27 to provide proper antecedent bases and/or to clarify the features of the claims. Applicant therefore requests withdrawal of the Examiner's objections to these claims.

Claim Rejections – 35 USC § 101

The Examiner has rejected Claims 1-13 under 35 USC § 101 as failing to claim statutory subject matter. Because Applicant has cancelled Claims 1-13, Applicant submits that this ground of rejection has been rendered moot.

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PATENTClaim Rejections – 35 USC § 112

The Examiner has rejected Claims 1-13, 14-25, and 26-27 under 35 USC § 112 as failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant submits that this ground of rejection has been mooted with respect to Claims 1-13 by Applicant's cancellation of those claims. Applicant has amended Claims 14, 16, 17, 26, and 27 to clarify the subject matter of the invention. Accordingly, Applicant requests withdrawal of this ground of rejection.

Claim Rejections – 35 USC § 103

1) Claims 1, 5, 9, 11, 14, 15, and 26

The Examiner has rejected Claims 1, 5, 9, 11, 14, 15, and 26 under 35 USC § 103 as being obvious to a person of ordinary skill in the art in view of Ely (7,606,909) and Gonda (2003/0067928). Applicant has cancelled Claims 1 – 13, thus rendering moot the Examiner's rejections of Claims 1, 5, 9, and 11. Applicant has amended claims 14 and 26, as discussed below.

Claim 14

Applicant has amended Claim 14 to incorporate the feature that "said call requested terminal, prior to receiving a stream data delivery service, issues a notification of completion of preparations for receiving the delivery service using a broadcast frame or a frame destined for said call request terminal to make said switching hubs learn the MAC address of said call requested terminal." For the following reasons, Applicant submits that Claim 14 is not obvious to a person of ordinary skill in the art in view of the prior art currently of record.

In accordance with Applicant's invention, it becomes possible to implement inter-terminal transmission with guaranteed capacity based on the single-path configuration function of networks composed of switching hubs with a MAC address learning function and centralized management of transmission capacity without control over the hubs. Together

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with this, prior to receiving the stream data delivery service, the switching hubs can learn the MAC address to set a single path by means of the call requested terminal providing a notification regarding the completion of preparations for receiving the stream data delivery service.

Applicant specifically submits that the prior art of record does not render obvious Applicant's feature of amended Claim 14 that the call requested terminal issues a notification that it has completed preparations for receiving the delivery service through the use of a broadcast frame or a frame bound for the call request terminal in order to make the switching hubs learn the MAC address of the call requested terminal. The Examiner, on pages 22-23 of the Office Action cites Abaye (US 7,260,060), Col. 13, lines 47-60 for issuing a notice of completion of preparations for receiving the delivery service via the sending of an RESV message. The Abaye reference, however, does not teach that this RESV message "make[s] said switching hubs learn the MAC address of said call requested terminal," as recited in Applicant's amended Claim 14. Further, neither Ely nor Gonda nor any other prior art reference of record teaches that the issuance of a completion notification provides for the switching hubs to learn the MAC address of the call requested terminal. Accordingly, Applicant submits that Claim 14, as amended, is non-obvious in view of the prior art. Applicant therefore requests allowance of Claim 14 and all claims dependent thereon.

Claim 26

Applicant has amended Claim 26 in a similar manner as the amendment to Claim 14. Specifically, Applicant has added the feature "wherein, said call requested terminal, prior to receiving a stream data delivery service, issues a notification of completion of preparations for receiving the delivery service using a broadcast frame or a frame destined for said call request terminal to make said switching hubs learn the MAC address of said call requested terminal." For the same reasons set forth above, therefore, Applicant submits that Claim 26, as amended, is non-obvious in view of the prior art of record. Accordingly, Applicant requests allowance of Claim 26 and all claims dependent thereon.

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2) Claims 2, 3, 4, 6, 27, 7, 8, 10, 12, 13, 17-20, 16, 21, 22, 23-25

The Examiner has rejected Claims 2, 3, 4, 6, 27, 7, 8, 10, 12, 13, 17-20, 16, 21, 22, 23-25 under 35 USC § 103 in view of Ely, Gonda, and various other prior art references. Applicant has cancelled Claims 1-13, thus rendering the rejection moot with respect to those claims. Further, as stated above with respect to independent Claims 14 and 26, Applicant submits that Claims 14 and 26, as amended; are non-obvious in view of the prior art of record. Accordingly, Applicant submits that all claims dependent on Claim 14 or Claim 26 are likewise non-obvious in view of the cited prior art. Therefore, Applicant requests allowance of all claims in the present application, as amended.

Conclusion

In conclusion, Applicant submits that the present application is in condition for allowance and earnestly solicit same. If any additional fees are due in connection with the filing of this Response or the accompanying papers, such as fees under 37 C.F.R. §§ 1.16 or 1.17, please charge the fees to SGR Deposit Account No. 02-4300, Order No. 034223.002. If an additional extension of time under 37 C.F.R. § 1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The additional extension fee also should be charged to SGR Deposit Account No. 02-4300, Order No. 034223.002.

Respectfully submitted,

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